

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

COBRA CAPITAL LLC,)	
)	Case No.1:06-cv-02822
Plaintiff,)	
v.)	
)	
STOVER INDUSTRIES, INC., HOWARD'S)	Judge Ronald Guzman
SHEET METAL, INC., HSM MFG CO.,)	
HOLDRIDGE MECHANICAL, INC., STOVER)	Magistrate Judge Ashman
MECHANICAL, LLC, and CARL STOVER,)	
individually,)	
)	
Defendants.)	

**COBRA CAPITAL LLC'S MOTION FOR JUDGMENT ORDER FOR VALUE OF
EQUIPMENT NOT RETURNED**

NOW COMES the Plaintiff COBRA CAPITAL LLC ("Cobra"), by its attorneys, Askounis & Borst, P.C., and for its Motion for Judgment Order For Value of Equipment Not Returned against Defendants STOVER INDUSTRIES, INC., HSM MFG CO., HOLDRIDGE MECHANICAL, INC., STOVER MECHANICAL, LLC, and CARL STOVER (hereinafter, "Defendants"), states as follows:

1. On May 21, 2007, the Court entered a Judgment Order directing Defendants to turn over possession of the equipment as defined in the Lease Agreements that is the subject matter of this controversy (the, "Equipment") within fifteen (15) days of the Court's Order. A true and correct copy of the Judgment Order is attached hereto as Exhibit A.

2. The Judgment Order further provides that "In the event that the Equipment is made unavailable to Cobra or its agents, additional money damages will be awarded in favor of Cobra Capital LLC and against Defendants in the amount of \$200,000.00 for the value of the Equipment." On September 14, 2007, Defendants were sent a copy of the certified copy of the Judgment Order

and demand was made on Defendants to immediately turn over possession of the Equipment to Cobra Capital. True and correct copies of the certificate of service and demand letters, including a detailed description of the Equipment, are attached hereto as Exhibits B and collective Exhibit C, respectively.

3. To date, no response to the demand letters has been received, nor has possession of the Equipment been turned over to Cobra Capital or its agents.

4. Thus, Cobra Capital is entitled to \$200,000.00 for additional money damages for the value of the Equipment not returned.

5. On August 15, 2007, Howard's Sheet Metal, Inc. ("Howard's"), one of the named Defendants to this action, filed for Chapter 7 Bankruptcy in the United States Bankruptcy Court for the Southern District of Ohio. As such, Cobra Capital is not seeking to Amend the Judgment as to Howard's, and expressly excludes Howard's from its definition of "Defendants" herein.

6. All claims by Cobra against Howard's for the judgment award and value of the Equipment will be adjudicated in the bankruptcy proceedings currently pending in the Southern District of Ohio.

WHEREFORE, for the foregoing reasons, COBRA CAPITAL LLC respectfully requests that this Court grant its Motion for Judgment Order For Value of Equipment Not Returned against Defendants.

COBRA CAPITAL LLC,

By: s/ Jennifer Gaylord

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